

Section 1064, Pub. L. 88-131, §4, Sept. 24, 1963, 77 Stat. 197, related to vessels and seaplanes not under command, and vessels engaged in certain operations.

Section 1065, Pub. L. 88-131, §4, Sept. 24, 1963, 77 Stat. 198, related to sailing vessels under way, vessels or seaplanes being towed, and vessels being pushed ahead.

Section 1066, Pub. L. 88-131, §4, Sept. 24, 1963, 77 Stat. 199, related to vessels in bad weather.

Section 1067, Pub. L. 88-131, §4, Sept. 24, 1963, 77 Stat. 199, related to substitute lights for power-driven vessels towing or pushing other vessels, vessels under oars or sails, vessels being towed or pushed ahead, and rowing boats.

Section 1068, Pub. L. 88-131, §4, Sept. 24, 1963, 77 Stat. 200, related to pilot-vessels on and off duty.

Section 1069, Pub. L. 88-131, §4, Sept. 24, 1963, 77 Stat. 201, related to fishing vessels and trawling vessels.

Section 1070, Pub. L. 88-131, §4, Sept. 24, 1963, 77 Stat. 202, related to stern and tail lights.

Section 1071, Pub. L. 88-131, §4, Sept. 24, 1963, 77 Stat. 202, related to vessels and sea lanes at anchor and aground.

Section 1072, Pub. L. 88-131, §4, Sept. 24, 1963, 77 Stat. 203, provided for the use of additional lights and signals when necessary.

Section 1073, Pub. L. 88-131, §4, Sept. 24, 1963, 77 Stat. 203, related to ships of war, convoy vessels, fishing vessels, seaplanes in water, and naval and military vessels and seaplanes of special construction.

Section 1074, Pub. L. 88-131, §4, Sept. 24, 1963, 77 Stat. 203, related to vessels proceeding under sail when also propelled by machinery.

Section 1075, Pub. L. 88-131, §4, Sept. 24, 1963, 77 Stat. 203, set out general considerations concerning radar.

Section 1076, Pub. L. 88-131, §4, Sept. 24, 1963, 77 Stat. 203, related to sound signals.

Section 1077, Pub. L. 88-131, §4, Sept. 24, 1963, 77 Stat. 203, related to speed in weather restricting visibility.

Section 1078, Pub. L. 88-131, §4, Sept. 24, 1963, 77 Stat. 205, set out the general considerations related to steering and sailing.

Section 1079, Pub. L. 88-131, §4, Sept. 24, 1963, 77 Stat. 205, related to sailing vessels approaching one another.

Section 1080, Pub. L. 88-131, §4, Sept. 24, 1963, 77 Stat. 205, related to power-driven vessels meeting end on.

Section 1081, Pub. L. 88-131, §4, Sept. 24, 1963, 77 Stat. 206, related to power-driven vessels crossing.

Section 1082, Pub. L. 88-131, §4, Sept. 24, 1963, 77 Stat. 206, related to vessels or seaplanes meeting.

Section 1083, Pub. L. 88-131, §4, Sept. 24, 1963, 77 Stat. 206, related to vessels having the right of way and the duty in aiding to avert a collision.

Section 1084, Pub. L. 88-131, §4, Sept. 24, 1963, 77 Stat. 206, related to the duty to take positive action to keep out of the way.

Section 1085, Pub. L. 88-131, §4, Sept. 24, 1963, 77 Stat. 206, related to duty to slacken speed, stop, or reverse.

Section 1086, Pub. L. 88-131, §4, Sept. 24, 1963, 77 Stat. 206, related to duty of overtaking vessels to keep out of the way.

Section 1087, Pub. L. 88-131, §4, Sept. 24, 1963, 77 Stat. 207, related to duties of power-driven vessels in narrow channels.

Section 1088, Pub. L. 88-131, §4, Sept. 24, 1963, 77 Stat. 207, related to right-of-way of fishing vessels.

Section 1089, Pub. L. 88-131, Sept. 24, 1963, 77 Stat. 207, related to departure from rules in special circumstances to avoid immediate danger.

Section 1090, Pub. L. 88-131, §4, Sept. 24, 1963, 77 Stat. 207, related to sound signals indicating course.

Section 1091, Pub. L. 88-131, §4, Sept. 24, 1963, 77 Stat. 208, related to additional precautions.

Section 1092, Pub. L. 88-131, §4, Sept. 24, 1963, 77 Stat. 208, related to rules for harbours and inland navigation.

Section 1093, Pub. L. 88-131, §4, Sept. 24, 1963, 77 Stat. 208, related to distress signals.

Section 1094, Pub. L. 88-131, §4, Sept. 24, 1963, 77 Stat. 209, set out general considerations and recommendations on the use of radar information as an aid to avoiding collisions at sea.

EFFECTIVE DATE OF REPEAL

Repeal effective July 15, 1977, see section 10 of Pub. L. 95-75, set out in part as a note under section 1601 of this title.

EXECUTIVE ORDER NO. 11239

Ex. Ord. No. 11239, July 31, 1965, 30 F.R. 9671, which enforced the Convention for the Safety of Life at Sea, 1960, was superseded, to the extent that the International Convention for the Safety of Life at Sea, 1974, signed at London on Nov. 1, 1974, replaced and abrogated the International Convention for the Safety of Life at Sea, 1960, signed at London on June 17, 1960, by Ex. Ord. No. 12234, Sept. 3, 1980, 45 F.R. 58801, set out as a note under section 1602 of this title.

PROCLAMATION NO. 3632

Proc. No. 3632, Dec. 29, 1964, 29 F.R. 19167, was the enabling proclamation for adopting Regulations for Preventing Collisions at Sea, 1960, under Pub. L. 88-131, Sept. 24, 1963, 77 Stat. 194.

CHAPTER 22—SEA GRANT COLLEGES AND MARINE SCIENCE DEVELOPMENT

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SUBCHAPTER I—MARINE RESOURCES AND ENGINEERING DEVELOPMENT

§ 1101. Congressional declaration of policy and objectives

(a) It is hereby declared to be the policy of the United States to develop, encourage, and maintain a coordinated, comprehensive, and long-range national program in marine science for the benefit of mankind to assist in protection of health and property, enhancement of commerce, transportation, and national security, rehabilitation of our commercial fisheries, and increased utilization of these and other resources.

(b) The marine science activities of the United States should be conducted so as to contribute to the following objectives:

- (1) The accelerated development of the resources of the marine environment.
- (2) The expansion of human knowledge of the marine environment.
- (3) The encouragement of private investment enterprise in exploration, technological development, marine commerce, and economic utilization of the resources of the marine environment.
- (4) The preservation of the role of the United States as a leader in marine science and resource development.
- (5) The advancement of education and training in marine science.
- (6) The development and improvement of the capabilities, performance, use, and efficiency of vehicles, equipment, and instruments for use in exploration, research, surveys, the recovery of resources, and the transmission of energy in the marine environment.
- (7) The effective utilization of the scientific and engineering resources of the Nation, with close cooperation among all interested agencies, public and private, in order to avoid unnecessary duplication of effort, facilities, and equipment, or waste.
- (8) The cooperation by the United States with other nations and groups of nations and international organizations in marine science activities when such cooperation is in the national interest.

(Pub. L. 89-454, title I, § 2, June 17, 1966, 80 Stat. 203.)

SHORT TITLE

Section 1 of title I of Pub. L. 89-454, as renumbered and amended by Pub. L. 89-688, § 2(a), Oct. 15, 1966, 80 Stat. 1001, provided that: "This title [enacting this subchapter] may be cited as the 'Marine Resources and Engineering Development Act of 1966'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1103 of this title.

§ 1102. Omitted

CODIFICATION

Section, Pub. L. 89-454, title I, § 3, June 17, 1966, 80 Stat. 204; Pub. L. 89-670, § 8(j), Oct. 15, 1966, 80 Stat. 943; Pub. L. 90-242, § 2, Jan. 2, 1968, 81 Stat. 780; Pub. L. 91-15, § 1, May 23, 1969, 83 Stat. 10; Pub. L. 91-414, Sept. 25, 1970, 84 Stat. 865, established the National Council on Marine Resources and Engineering Development. The provisions of this chapter with respect to the Council expired on June 30, 1971, and the Council terminated on Apr. 30, 1971, for lack of funds.

§ 1103. Executive responsibilities; utilization of staff, interagency, and non-Government advisory arrangements; consultation with agencies; solicitation of views of non-Federal agencies

(a) In conformity with the provisions of section 1101 of this title, it shall be the duty of the President with the advice and assistance of the Council to—

(1) survey all significant marine science activities, including the policies, plans, programs, and accomplishments of all departments and agencies of the United States engaged in such activities;

(2) develop a comprehensive program of marine science activities, including, but not limited to, exploration, description and prediction of the marine environment, exploitation and conservation of the resources of the marine environment, marine engineering, studies of air-sea interaction, transmission of energy, and communications, to be conducted by departments and agencies of the United States, independently or in cooperation with such non-Federal organizations as States, institutions and industry;

(3) designate and fix responsibility for the conduct of the foregoing marine science activities by departments and agencies of the United States;

(4) insure cooperation and resolve differences arising among departments and agencies of the United States with respect to marine science activities under this subchapter, including differences as to whether a particular project is a marine science activity;

(5) undertake a comprehensive study, by contract or otherwise, of the legal problems arising out of the management, use, development, recovery, and control of the resources of the marine environment;

(6) establish long-range studies of the potential benefits to the United States economy, security, health, and welfare to be gained from marine resources, engineering, and science, and the costs involved in obtaining such benefits; and

(7) review annually all marine science activities conducted by departments and agencies of the United States in light of the policies, plans, programs, and priorities developed pursuant to this chapter.

(b) In the planning and conduct of a coordinated Federal program the President and the Council shall utilize such staff, interagency, and

non-Government advisory arrangements as they may find necessary and appropriate and shall consult with departments and agencies concerned with marine science activities and solicit the views of non-Federal organizations and individuals with capabilities in marine sciences.

(Pub. L. 89-454, title I, § 4, June 17, 1966, 80 Stat. 205; Pub. L. 89-688, § 2(b), Oct. 15, 1966, 80 Stat. 1001.)

AMENDMENTS

1966—Subsec. (a). Pub. L. 89-688 in par. (4), substituted “this title” for “this Act”, which, for purposes of codification has been changed to “this subchapter”.

TERMINATION OF COUNCIL

National Council on Marine Resources and Engineering, established under section 1102 of this title, terminated Apr. 30, 1971, for lack of funds. See Codification note set out under section 1102 of this title.

§§ 1104, 1105. Omitted

CODIFICATION

Section 1104, Pub. L. 89-454, title I, § 5, June 17, 1966, 80 Stat. 205; Pub. L. 89-688, § 2(b), Oct. 15, 1966, 80 Stat. 1001; Pub. L. 90-242, § 1, Jan. 2, 1968, 81 Stat. 780, established the Commission on Marine Science, Engineering, and Resources. For expiration of the Commission, see Codification note set out under section 1102 of this title.

Section 1105, Pub. L. 89-454, title I, § 6, June 17, 1966, 80 Stat. 207, provided for the National Council on Marine Resources and Engineering Development to coordinate a program of international cooperation with respect to work done pursuant to this chapter. For expiration of the Council, see Codification note set out under section 1102 of this title.

§ 1106. Reports to Congress

(a) The President shall transmit to the Congress biennially in January a report, which shall include (1) a comprehensive description of the activities and the accomplishments of all agencies and departments of the United States in the field of marine science during the preceding fiscal year, and (2) an evaluation of such activities and accomplishments in terms of the objectives set forth pursuant to this chapter.

(b) Reports made under this section shall contain such recommendations for legislation as the President may consider necessary or desirable for the attainment of the objectives of this chapter, and shall contain an estimate of funding requirements of each agency and department of the United States for marine science activities during the succeeding fiscal year.

(Pub. L. 89-454, title I, § 7, June 17, 1966, 80 Stat. 207; Pub. L. 99-386, title II, § 203(a), Aug. 22, 1986, 100 Stat. 823.)

AMENDMENTS

1986—Subsec. (a). Pub. L. 99-386 substituted “biennially in January” for “in January of each year”.

§ 1107. Definitions

For the purposes of this subchapter, the term “marine science” shall be deemed to apply to oceanographic and scientific endeavors and disciplines, and engineering and technology in and with relation to the marine environment; and the term “marine environment” shall be deemed

to include (a) the oceans, (b) the Continental Shelf of the United States, (c) the Great Lakes, (d) seabed and subsoil of the submarine areas adjacent to the coasts of the United States to the depth of two hundred meters, or beyond that limit, to where the depths of the superjacent waters admit of the exploitation of the natural resources of such areas, (e) the seabed and subsoil of similar submarine areas adjacent to the coasts of islands which comprise United States territory, and (f) the resources thereof.

(Pub. L. 89-454, title I, § 8, June 17, 1966, 80 Stat. 208; Pub. L. 89-688, § 2(b), Oct. 15, 1966, 80 Stat. 1001.)

AMENDMENTS

1966—Pub. L. 89-688 substituted “this title” for “this Act”, which, for purposes of codification, has been changed to “this subchapter”.

§ 1108. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out this subchapter, but sums appropriated for any one fiscal year shall not exceed \$1,200,000.

(Pub. L. 89-454, title I, § 9, June 17, 1966, 80 Stat. 208; Pub. L. 89-688, § 2(b), Oct. 15, 1966, 80 Stat. 1001; Pub. L. 91-15, § 2, May 23, 1969, 83 Stat. 10.)

AMENDMENTS

1969—Pub. L. 91-15 substituted “\$1,200,000” for “\$1,500,000”.

1966—Pub. L. 89-688 substituted “this title” for “this Act”, which, for purposes of codification, has been changed to “this subchapter”.

SUBCHAPTER II—NATIONAL SEA GRANT COLLEGE PROGRAM

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 22 section 2220a.

§ 1121. Congressional declaration of policy

(a) Findings

The Congress finds and declares the following:

(1) The national interest requires a strategy to—

(A) provide for the understanding and wise use of ocean, coastal, and Great Lakes resources and the environment;

(B) foster economic competitiveness;

(C) promote public stewardship and wise economic development of the coastal ocean and its margins, the Great Lakes, and the exclusive economic zone;

(D) understand global environmental processes; and

(E) promote domestic and international cooperative solutions to ocean, coastal, and Great Lakes issues.

(2) Investment in a strong program of research, education, training, technology transfer, and public service is essential for this strategy.

(3) The expanding use and development of ocean, coastal, and Great Lakes resources resulting from growing coastal area populations and the increasing pressures on the coastal and Great Lakes environment challenge the ability of the United States to manage such resources wisely.

(4) The vitality of the Nation and the quality of life of its citizens depend increasingly on the understanding, assessment, development, utilization, and conservation of ocean, coastal, and Great Lakes resources. These resources supply food, energy, and minerals and contribute to human health, the quality of the environment, national security, and the enhancement of commerce.

(5) The understanding, assessment, development, utilization, and conservation of such resources require a broad commitment and an intense involvement on the part of the Federal Government in continuing partnership with State and local governments, private industry, universities, organizations, and individuals concerned with or affected by ocean, coastal, and Great Lakes resources.

(6) The National Oceanic and Atmospheric Administration, through the national sea grant college program, offers the most suitable locus and means for such commitment and involvement through the promotion of activities that will result in greater such understanding, assessment, development, utilization, and conservation. Continued and increased Federal support of the establishment, development, and operation of programs and projects by sea grant colleges, sea grant regional consortia, institutions of higher education, institutes, laboratories, and other appropriate public and private entities is the most cost-effective way to promote such activities.

(b) Objective

The objective of this subchapter is to increase the understanding, assessment, development, utilization, and conservation of the Nation's ocean, coastal, and Great Lakes resources by providing assistance to promote a strong educational base, responsive research and training activities, broad and prompt dissemination of knowledge and techniques, and multidisciplinary approaches to environmental problems.

(c) Purpose

It is the purpose of the Congress to achieve the objective of this subchapter by extending and strengthening the national sea grant program, initially established in 1966, to promote research, education, training, and advisory service activities in fields related to ocean, coastal, and Great Lakes resources.

(Pub. L. 89-454, title II, §202, as added Pub. L. 89-688, §1, Oct. 15, 1966, 80 Stat. 998; amended Pub. L. 94-461, §2, Oct. 8, 1976, 90 Stat. 1961; Pub. L. 95-428, §2(b), Oct. 7, 1978, 92 Stat. 999; Pub. L. 100-220, title III, §§3103, 3104(b)(1)(A), (B), Dec. 29, 1987, 101 Stat. 1469, 1470.)

AMENDMENTS

1987—Subsec. (a). Pub. L. 100-220, §§3103(1), 3104(b)(1)(A), added pars. (1) to (3), redesignated former pars. (1) to (3) as (4) to (6), respectively, and substituted “ocean, coastal, and Great Lakes resources” for “ocean and coastal resources” in pars. (4) and (5).

Subsec. (b). Pub. L. 100-220, §3103(2), substituted “ocean, coastal, and Great Lakes resources by providing assistance to promote a strong educational base, responsive research and training activities, broad and prompt dissemination of knowledge and techniques,

and multidisciplinary approaches to environmental problems.” for “ocean and coastal resources by providing assistance to promote a strong educational base, responsive research and training activities, and broad and prompt dissemination of knowledge and techniques.”

Subsec. (c). Pub. L. 100-220, §3104(b)(1)(B), substituted “ocean, coastal, and Great Lakes resources” for “ocean and coastal resources”.

1978—Subsec. (a)(3). Pub. L. 95-428 substituted “national sea grant college program” for “national sea grant program”.

1976—Pub. L. 94-461 completely rewrote the Congressional statement of findings, objectives, and purposes of the National Sea Grant Program Act to reflect the extension and strengthening of the national sea grant program to promote research, education, training, and advisory service activities in fields related to ocean and coastal resources through federal support to sea grant colleges, sea grant regional consortia, and other institutions through the National Oceanic and Atmospheric Administration, and to make education, training, research, and advisory services responsive to state, local, regional, or national needs and problems.

SHORT TITLE OF 1991 AMENDMENT

Pub. L. 102-186, §1, Dec. 4, 1991, 105 Stat. 1282, provided that: “This Act [amending sections 1122 to 1124, 1127, 1128, and 1131 of this title and section 4741 of Title 16, Conservation, and repealing sections 1125 and 1130 of this title] may be cited as the ‘National Sea Grant College Program Authorization Act of 1991.’”

SHORT TITLE OF 1987 AMENDMENT

Section 3001 of title III of Pub. L. 100-220 provided that: “This title [amending this section and sections 1122 to 1131 of this title and enacting provisions set out as notes under this section and sections 883a and 1125 of this title] may be cited as the ‘Marine Science, Technology, and Policy Development Act of 1987.’”

Section 3101 of subtitle A (§§3101-3111) of title III of Pub. L. 100-220 provided that: “This subtitle [amending this section and sections 1122 to 1131 of this title and enacting provisions set out as a note under section 1125 of this title] may be cited as the ‘National Sea Grant College Program Authorization Act of 1987.’”

SHORT TITLE OF 1976 AMENDMENT

Section 1 of Pub. L. 94-461 provided: “That this Act [enacting sections 1124a, 1125, 1126, 1127, 1128, 1129, 1130, and 1131 of this title and amending this section, sections 1122, 1123, and 1124 of this title, sections 5314 and 5315 of Title 5, Government Organization and Employees, and provisions set out as notes under this section, section 1511 of Title 15, Commerce and Trade, and in the Appendix to Title 5, Government Organization and Employees] may be cited as the ‘Sea Grant Program Improvement Act of 1976.’”

SHORT TITLE

Section 201 of title II of Pub. L. 89-454, as added by section 1 of Pub. L. 89-688, and amended by Pub. L. 94-461, §2, Oct. 8, 1976, 90 Stat. 1961; Pub. L. 95-428, §2(a), Oct. 7, 1978, 92 Stat. 999, provided that: “This title [enacting this subchapter] may be cited as the ‘National Sea Grant College Program Act.’”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1123, 1124 of this title.

§ 1122. Definitions

As used in this subchapter—

(1) The term “Administration” means the National Oceanic and Atmospheric Administration.

(2) The term “Director” means the Director of the national sea grant college program, ap-

pointed pursuant to section 1123(b) of this title.

(3) the¹ term “director of a sea grant college” means a person designated by their university or institution to direct a sea grant college, programs, or regional consortium.

(4) The term “field related to ocean, coastal, and Great Lakes resources” means any discipline or field (including marine science (and the physical, natural, and biological sciences, and engineering, included therein), marine technology, education, marine affairs and resource management, economics, sociology, communications, planning, law, international affairs, and public administration) which is concerned with or likely to improve the understanding, assessment, development, utilization, or conservation of ocean, coastal, and Great Lakes resources.

(5) The term “includes” and variants thereof should be read as if the phrase “but is not limited to” were also set forth.

(6) The term “ocean, coastal, and Great Lakes resources” means the resources that are located in, derived from, or traceable to, the seabed, subsoil, and waters of—

- (A) the coastal zone, as defined in section 1453(1) of title 16;
- (B) the Great Lakes;
- (C) the territorial sea;
- (D) the exclusive economic zone;
- (E) the Outer Continental Shelf; and
- (F) the high seas.

(7) The term “resource” means—

- (A) living resources (including natural and cultured plant life, fish, shellfish, marine mammals, and wildlife);
- (B) nonliving resources (including energy sources, minerals, and chemical substances);
- (C) the habitat of a living resource, the coastal space, the ecosystems, the nutrient-rich areas, and the other components of the marine environment that contribute to or provide (or which are capable of contributing to or providing) recreational, scenic, esthetic, biological, habitational, commercial, economic, or conservation values; and
- (D) man-made, tangible, intangible, actual, or potential resources.

(8) The term “panel” means the sea grant review panel established under section 1128 of this title.

(9) The term “person” means any individual; any public or private corporation, partnership, or other association or entity (including any sea grant college, sea grant regional consortium, institution of higher education, institute, or laboratory); or any State, political subdivision of a State, or agency or officer thereof.

(10) The term “sea grant college” means any public or private institution of higher education which is designated as such by the Secretary under section 1126 of this title.

(11) The term “sea grant program” means any program which—

- (A) is administered by any sea grant college, sea grant regional consortium, institu-

tion of higher education, institute, laboratory, or State or local agency; and

(B) includes two or more projects involving one or more of the following activities in fields related to ocean, coastal, and Great Lakes resources:

- (i) research,
- (ii) education,
- (iii) training, or
- (iv) advisory services.

(12) The term “sea grant regional consortium” means any association or other alliance which is designated as such by the Secretary under section 1126 of this title.

(13) The term “Secretary” means the Secretary of Commerce.

(14) The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Mariana Islands, or any other territory or possession of the United States.

(15) The term “Under Secretary” means the Under Secretary of Commerce for Oceans and Atmosphere.

(Pub. L. 89-454, title II, §203, as added Pub. L. 89-688, §1, Oct. 15, 1966, 80 Stat. 999; amended Pub. L. 90-477, §1(1), Aug. 11, 1968, 82 Stat. 704; Pub. L. 91-349, July 23, 1970, 84 Stat. 448; Pub. L. 93-73, §1(1), (5), July 10, 1973, 87 Stat. 170; Pub. L. 94-461, §2, Oct. 8, 1976, 90 Stat. 1962; Pub. L. 95-428, §2(b), Oct. 7, 1978, 92 Stat. 999; Pub. L. 96-289, §1(1), June 28, 1980, 94 Stat. 605; Pub. L. 100-220, title II, §3104(a), (b)(1)(C), Dec. 29, 1987, 101 Stat. 1470; Pub. L. 102-186, §5(b)(1), Dec. 4, 1991, 105 Stat. 1284; Pub. L. 102-251, title III, §307(a), Mar. 9, 1992, 106 Stat. 66.)

AMENDMENT OF PARAGRAPH (6)

Pub. L. 102-251, title III, §§307(a), 308, Mar. 9, 1992, 106 Stat. 66, provided that, effective on the date on which the Agreement between the United States and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, enters into force for the United States, with authority to prescribe implementing regulations effective Mar. 9, 1992, but with no such regulation to be effective until the date on which the Agreement enters into force for the United States, paragraph (6) of this section is amended:

- (1) by striking “and” at the end of subparagraph (E);
- (2) by redesignating subparagraph (F) as subparagraph (G); and
- (3) by inserting immediately after subparagraph (E) the following new subparagraph:

(F) the areas referred to as eastern special areas in Article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990; in particular, those areas east of the maritime boundary, as defined in that Agreement, that lie within 200 nautical miles of the baselines from which the breadth of the territorial sea of Russia is measured but beyond 200 nautical miles of the baselines from which the breadth of the territorial sea of the United States is measured; and

¹ So in original. Probably should be capitalized.

AMENDMENTS

1991—Par. (4). Pub. L. 102-186 inserted “marine affairs and resource management,” after “education.”

1987—Pars. (2), (3). Pub. L. 100-220, §3104(a)(1), (2), added par. (3), redesignated former par. (3) as (2), and struck out former par. (2) which read as follows: “The term ‘Administrator’ means the Administrator of the National Oceanic and Atmospheric Administration.”

Par. (4). Pub. L. 100-220, §3104(b)(1)(C), substituted “ocean, coastal, and Great Lakes resources” for “ocean and coastal resources” in two places.

Par. (6). Pub. L. 100-220, §3104(a)(3), added par. (6) and struck out former par. (6) which read as follows: “The term ‘marine environment’ means the coastal zone, as defined in section 1453(1) of title 16; the seabed, subsoil, and waters of the Great Lakes and the territorial sea of the United States; the waters of any zone over which the United States asserts exclusive fishery management authority; the waters of the high seas; and the seabed and subsoil of and beyond the outer Continental Shelf.”

Par. (7). Pub. L. 100-220, §3104(a)(3), added par. (7) and struck out former par. (7) which read as follows: “The term ‘ocean and coastal resource’ means any resource (whether living, nonliving, manmade, tangible, intangible, actual, or potential) which is located in, derived from, or traceable to, the marine environment. Such term includes the habitat of any such living resource, the coastal space, the ecosystems, the nutrient-rich areas, and the other components of the marine environment which contribute to or provide (or which are capable of contributing to or providing) recreational, scenic, esthetic, biological, habitational, commercial, economic, or conservation values. Living resources include natural and cultured plant life, fish, shellfish, marine mammals, and wildlife. Nonliving resources include energy sources, minerals, and chemical substances.”

Par. (11). Pub. L. 100-220, §3104(b)(1)(C), substituted “ocean, coastal, and Great Lakes resources” for “ocean and coastal resources”.

Par. (15). Pub. L. 100-220, §3104(a)(4), added par. (15).

1980—Par. (6). Pub. L. 96-289 extended term “marine environment” to include waters of Great Lakes.

1978—Pub. L. 95-428 substituted “national sea grant college program” for “national sea grant program”.

1976—Pub. L. 94-461 substituted provisions defining terms used in this subchapter for provisions designating Secretary of Commerce as administering authority for national sea grant program and authorizing appropriations through fiscal 1976.

1973—Subsec. (a). Pub. L. 93-73, §1(5), substituted “Secretary of Commerce” and “Secretary” for “National Science Foundation” and “Foundation”, respectively.

Subsec. (b)(1). Pub. L. 93-73, §1(1), (5), authorized appropriations of \$30,000,000; \$40,000,000; and \$50,000,000 for fiscal years ending June 30, 1974, 1975, and 1976, and substituted “Secretary” for “Foundation”.

1970—Subsec. (b)(1). Pub. L. 91-349 authorized appropriations for fiscal year ending June 30, 1971, not to exceed the sum of \$20,000,000, for fiscal year ending June 30, 1972, not to exceed the sum of \$25,000,000, and for fiscal year ending June 30, 1973, not to exceed the sum of \$30,000,000.

1968—Subsec. (b)(1). Pub. L. 90-477 authorized appropriations for fiscal year ending June 30, 1969, not to exceed the sum of \$6,000,000, and for fiscal year ending June 30, 1970, not to exceed the sum of \$15,000,000.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-251 effective on date on which Agreement between the United States and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, enters into force for United States, with authority to prescribe implementing regulations effective Mar. 9, 1992, but with no such regulation to be effective until date on which Agreement enters into force for United States, see section 308 of Pub. L. 102-251, set out as a note under section 773 of Title 16, Conservation.

TERRITORIAL SEA OF UNITED STATES

For extension of territorial sea of United States, see Proc. No. 5928, set out as a note under section 1331 of Title 43, Public Lands.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1124a of this title.

§ 1123. Establishment and administration of program

(a) Maintenance within Administration; component elements; long-range planning

The Secretary shall maintain, within the Administration, a program to be known as the National Sea Grant College Program. The National Sea Grant College Program shall consist of the financial assistance and other activities provided for in this subchapter, and shall be administered by a National Sea Grant Office within the Administration. The Secretary shall establish long-range planning guidelines and priorities for, and adequately evaluate, this program.

(b) Appointment and compensation of Director

(1) The Secretary shall appoint a Director of the national sea grant college program who shall be a qualified individual who has—

(A) knowledge or expertise in fields related to ocean, coastal, and Great Lakes resources; and

(B) appropriate administrative experience.

(2) The Director shall be appointed and compensated, without regard to the provisions of title 5 governing appointments in the competitive service, at a rate not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title.

(c) Duties of Director

The Director shall administer the national sea grant college program subject to the supervision of the Secretary and the Under Secretary. In addition to any other duty prescribed by law or assigned by the Secretary, the Director shall—

(1) apply the long-range planning guidelines and the priorities established by the Secretary under subsection (a) of this section;

(2) advise the Under Secretary with respect to the expertise and capabilities which are available within or through the national sea grant college program, and provide (as directed by the Under Secretary) those which are or could be of use to other offices and activities within the Administration;

(3) evaluate activities conducted under grants and contracts awarded pursuant to section 1124 of this title to assure that the objective set forth in section 1121(b) of this title is implemented;

(4) encourage other Federal departments, agencies, and instrumentalities to use and take advantage of the expertise and capabilities which are available through the national sea grant college program, on a cooperative or other basis;

(5) encourage cooperation and coordination with other Federal programs concerned with ocean, coastal, and Great Lakes resources conservation and usage;

(6) advise the Secretary on the designation of sea grant colleges and sea grant regional

consortia and, in appropriate cases, if any, on the termination or suspension of any such designation;

(7) encourage the formation and growth of sea grant programs; and

(8) oversee the operation of the National Sea Grant Office established under subsection (a) of this section.

(d) Powers of Secretary

To carry out the provisions of this subchapter, the Secretary may—

(1) appoint, assign the duties, transfer, and fix the compensation of such personnel as may be necessary, in accordance with the civil service laws; except that five positions may be established without regard to the provisions of title 5 governing appointments in the competitive service, but the pay rates for such positions may not exceed the maximum rate for GS-18 of the General Schedule under section 5332 of such title;

(2) make appointments with respect to temporary and intermittent services to the same extent as is authorized by section 3109 of title 5;

(3) publish or arrange for the publication of, and otherwise disseminate, in cooperation with other services, offices, and programs in the Administration, any information of research, educational, training, and other value in fields related to ocean, coastal, and Great Lakes resources and with respect to ocean, coastal, and Great Lakes resources, without regard to section 501 of title 44;

(4) enter into contracts, cooperative agreements, and other transactions without regard to section 5 of title 41;

(5) accept donations and voluntary and uncompensated services, notwithstanding section 1342 of title 31;

(6) accept funds from other Federal departments, agencies (including agencies within the Administration), and instrumentalities to pay for and add to grants made, and contracts entered into, by the Secretary; and

(7) issue such rules and regulations as may be necessary and appropriate.

(Pub. L. 89-454, title II, § 204, as added Pub. L. 89-688, § 1, Oct. 15, 1966, 80 Stat. 999; amended Pub. L. 90-477, § 1(2), Aug. 11, 1968, 82 Stat. 704; Pub. L. 93-73, § 1(2)-(7), July 10, 1973, 87 Stat. 170; Pub. L. 94-461, § 2, Oct. 8, 1976, 90 Stat. 1963; Pub. L. 95-428, §§ 2(b), 3(1), Oct. 7, 1978, 92 Stat. 999; Pub. L. 96-289, § 1(2), June 28, 1980, 94 Stat. 605; Pub. L. 100-220, title III, §§ 3104(b)(1)(D), (2), (c), 3105(b), Dec. 29, 1987, 101 Stat. 1470, 1471; Pub. L. 102-186, §§ 2, 4(b)(1)(A), Dec. 4, 1991, 105 Stat. 1282, 1283.)

REFERENCES IN TEXT

This subchapter, referred to in subsec. (a), was in the original “this Act” and was translated as reading “this title” meaning title II of Pub. L. 89-454, which enacted this subchapter, to reflect the probable intent of Congress.

The provisions of title 5 governing appointments in the competitive service, referred to in subsecs. (b)(2) and (d)(1), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

The civil service laws, referred to in subsec. (d)(1), are set forth in Title 5. See, particularly, section 3301 et seq. of Title 5.

CODIFICATION

In subsec. (d)(5), “section 1342 of title 31” substituted for “section 3679 of the Revised Statutes of the United States (31 U.S.C. 665(b))” on authority of Pub. L. 97-258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

1991—Subsec. (a). Pub. L. 102-186, § 2(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “The Secretary shall maintain, within the Administration, a program to be known as the national sea grant college program. The national sea grant college program shall consist of the financial assistance and other activities provided for in this subchapter. The Secretary shall establish long-range planning guidelines and priorities for, and adequately evaluate, this program.”

Subsec. (c)(3). Pub. L. 102-186, § 4(b)(1)(A), substituted “section 1124” for “sections 1124 and 1125”.

Subsec. (c)(8). Pub. L. 102-186, § 2(b), added par. (8).

Subsec. (d)(6). Pub. L. 102-186, § 2(c), inserted “and add” after “to pay for”.

1987—Subsec. (b)(1)(A). Pub. L. 100-220, § 3104(b)(1)(D), substituted “ocean, coastal, and Great Lakes resources” for “ocean and coastal resources”.

Subsec. (c). Pub. L. 100-220, § 3104(c), substituted “Under Secretary” for “Administrator” wherever appearing in introductory provisions and par. (2).

Subsec. (c)(5). Pub. L. 100-220, § 3104(b)(2), substituted “ocean, coastal, and Great Lakes resources” for “ocean and coastal resource”.

Subsec. (d)(3). Pub. L. 100-220, § 3104(b)(1)(D), substituted “ocean, coastal, and Great Lakes resources” for “ocean and coastal resources” in two places.

Subsec. (d)(6). Pub. L. 100-220, § 3105(b), struck out “under section 1124(a) of this title” after “Secretary”.

1980—Subsec. (c)(5) to (7). Pub. L. 96-289 added par. (5) and redesignated former pars. (5) and (6) as (6) and (7), respectively.

1978—Subsecs. (a) to (c). Pub. L. 95-428, § 2(b), substituted “national sea grant college program” for “national sea grant program” wherever appearing.

Subsec. (d)(6), (7). Pub. L. 95-428, § 3(1)(B), (C), added par. (6) and redesignated former par. (6) as (7).

1976—Pub. L. 94-461 substituted provisions covering the establishment and administration of the national sea grant program for provisions covering the marine resource development programs.

1973—Subsec. (a). Pub. L. 93-73, § 1(2), (5), deleted item (1) designation for provision respecting consultation with experts and Federal agencies, deleted item (2) provision for seeking advice and counsel from the National Council on Marine Resources and Engineering Development, and substituted “Secretary” for “Foundation”.

Subsec. (b). Pub. L. 93-73, § 1(5), substituted “Secretary” for “Foundation” and “his authority” for “its authority”.

Subsec. (d)(1). Pub. L. 93-73, § 1(3), (5), authorized Federal contributions exceeding percentage limitation to programs limited to one percent of appropriations for the fiscal year when reducing or eliminating matching payments by a participant when Secretary determines it would be inequitable relevant to the benefits derived by the participant from the program to require the participant to make a one-third payment of the cost, and substituted “Secretary” for “Foundation” in last sentence.

Subsec. (d)(2). Pub. L. 93-73, § 1(4), (5), made prohibitions of paragraph inapplicable to non-self-propelled habitats, buoys, platforms, or other similar devices or structures, used principally for research purposes and substituted “Secretary” for “foundation”.

Subsecs. (d)(3), (e). Pub. L. 93-73, § 1(5), substituted “Secretary” for “Foundation”.

Subsec. (f). Pub. L. 93-73, § 1(5), substituted “Secretary” for “Foundation” and “his functions” for “its functions”.

Subsec. (g). Pub. L. 93-73, § 1(6), substituted provisions for exercise of powers and authority under this sub-

chapter by the Secretary rather than the Foundation under the powers and authority of the National Science Foundation Act of 1950, as amended.

Subsec. (h). Pub. L. 93-73, §1(5), substituted "Secretary" for "Foundation" and "his functions" for "its functions".

Subsec. (i)(3). Pub. L. 93-73, §1(7), inserted "and which is so designated by the Secretary" after "marine resources".

Subsec. (i)(4)(A) to (C). Pub. L. 93-73, §1(5), substituted "Secretary" for "Foundation".

1968—Subsec. (d)(1). Pub. L. 90-477 struck out "in any fiscal year" after "The total amount of payments" and "by any participants".

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1122, 1124, 1128 of this title.

§ 1124. Program or project grants and contracts

(a) Authorization; purposes; limitation on amount

The Secretary may make grants and enter into contracts under this subsection to assist any sea grant program or project if the Secretary finds that such program or project will—

- (1) implement the objective set forth in section 1121(b) of this title; and
- (2) be responsive to the needs or problems of individual States or regions.

The total amount paid pursuant to any such grant or contract may equal 66⅔ percent, or any lesser percent, of the total cost of the sea grant program or project involved; except that this limitation shall not apply in the case of grants or contracts paid for with funds accepted by the Secretary under section 1123(d)(6) of this title.

(b) Special grants; maximum amount; prerequisites

The Secretary may make special grants under this subsection to implement the objective set forth in section 1121(b) of this title. The amount of any such grant may equal 100 percent, or any lesser percent, of the total cost of the project involved. No grant may be made under this subsection unless the Secretary finds that—

- (1) no reasonable means is available through which the applicant can meet the matching requirement for a grant under subsection (a) of this section;
- (2) the probable benefit of such project outweighs the public interest in such matching requirement; and
- (3) the same or equivalent benefit cannot be obtained through the award of a contract or grant under subsection (a) of this section.

The total amount which may be provided for grants under this subsection during any fiscal year shall not exceed an amount equal to 1 percent of the total funds appropriated for such year pursuant to section 1131 of this title.

(c) Eligibility and procedure

Any person may apply to the Secretary for a grant or contract under this section. Application shall be made in such form and manner, and with such content and other submissions, as the Secretary shall by regulation prescribe. The Secretary shall act upon each such application within 6 months after the date on which all required information is received.

(d) Terms and conditions

(1) Any grant made, or contract entered into, under this section shall be subject to the limitations and provisions set forth in paragraphs (2), (3), and (4) and to such other terms, conditions, and requirements as the Secretary deems necessary or appropriate. Terms, conditions, and requirements imposed by the Secretary under this paragraph shall minimize any requirement of prior Federal approval.

(2) No payment under any grant or contract under this section may be applied to—

(A) the purchase or rental of any land; or

(B) the purchase, rental, construction, preservation, or repair of any building, dock, or vessel;

except that payment under any such grant or contract may be applied to the short-term rental of buildings or facilities for meetings which are in direct support of any sea grant program or project and may, if approved by the Secretary, be applied to the purchase, rental, construction, preservation, or repair of non-self-propelled habitats, buoys, platforms, and other similar devices or structures, or to the rental of any research vessel which is used in direct support of activities under any sea grant program or project.

(3) The total amount which may be obligated for payment pursuant to grants made to, and contracts entered into with, persons under this section within any one State in any fiscal year shall not exceed an amount equal to 15 percent of the total funds appropriated for such year pursuant to section 1131 of this title.

(4) Any person who receives or utilizes any proceeds of any grant or contract under this section shall keep such records as the Secretary shall by regulation prescribe as being necessary and appropriate to facilitate effective audit and evaluation, including records which fully disclose the amount and disposition by such recipient of such proceeds, the total cost of the program or project in connection with which such proceeds were used, and the amount, if any, of such cost which was provided through other sources. Such records shall be maintained for 3 years after the completion of such a program or project. The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and evaluation, to any books, documents, papers, and records of receipts which, in the opinion of the Secretary or of the Comptroller General, may be related or pertinent to such grants and contracts.

(Pub. L. 89-454, title II, §205, as added Pub. L. 89-688, §1, Oct. 15, 1966, 80 Stat. 1001; amended Pub. L. 93-73, §1(8), July 10, 1973, 87 Stat. 170; Pub. L. 94-461, §2, Oct. 8, 1976, 90 Stat. 1964; Pub.

L. 95-428, §3(2), Oct. 7, 1978, 92 Stat. 999; Pub. L. 96-289, §1(3), June 28, 1980, 94 Stat. 605; Pub. L. 100-220, title III, §3105(a), Dec. 29, 1987, 101 Stat. 1471; Pub. L. 102-186, §4(b)(1)(B), Dec. 4, 1991, 105 Stat. 1283.)

AMENDMENTS

1991—Subsec. (b)(3). Pub. L. 102-186 struck out reference to section 1125 of this title after reference to subsection (a) of this section.

1987—Subsec. (d)(1). Pub. L. 100-220 inserted at end “Terms, conditions, and requirements imposed by the Secretary under this paragraph shall minimize any requirement of prior Federal approval.”

1980—Subsec. (d)(2). Pub. L. 96-289 authorized application of any payment under a grant or contract to the short-term rental of buildings or facilities for meetings which are in direct support of any sea grant program or project.

1978—Subsec. (a). Pub. L. 95-428 made the percentage limitation inapplicable to grants or contracts paid for with funds accepted by the Secretary under section 1123(d)(6) of this title.

1976—Pub. L. 94-461 substituted provisions covering program or project grants and contracts for provisions authorizing the study of ways to share with other countries the results of marine research useful in the exploration, development, conservation, and management of marine resources.

1973—Pub. L. 93-73 substituted provisions for study of international marine technology transfer for prior provisions respecting advisory functions of National Council on Marine Resources and Development.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1123, 1124a, 1126, 1128, 1131 of this title; title 16 section 4741.

§ 1124a. Sea grant international program

(a) In general

The Under Secretary of Commerce for Oceans and Atmosphere may enter into contracts and make grants under this section to—

- (1) enhance cooperative international research and educational activities on ocean, coastal and Great Lakes resources;
- (2) promote shared marine activities with universities in countries with which the United States has sustained mutual interest in ocean, coastal, and Great Lakes resources;
- (3) encourage technology transfer that enhances wise use of ocean, coastal, and Great Lakes resources in other countries and in the United States;
- (4) promote the exchange among the United States and foreign nations of information and data with respect to the assessment, development, utilization, and conservation of such resources;
- (5) use the national sea grant college program as a resource in other Federal civilian agency international initiatives whose purposes are fundamentally related to research, education, technology transfer and public service programs concerning the understanding and wise use of ocean, coastal, and Great Lakes resources; and
- (6) enhance regional collaboration between foreign nations and the United States with respect to marine scientific research, including activities which improve understanding of global oceanic and atmospheric processes, undersea minerals resources within the exclusive

economic zone, and productivity and enhancement of living marine resources in—

- (A) the Caribbean and Latin American regions;
- (B) the Pacific Islands region;
- (C) the Arctic and Antarctic regions;
- (D) the Atlantic and Pacific Oceans; and
- (E) the Great Lakes.

(b) Eligibility, procedures, and requirements

Any sea grant college, sea grant program, or sea grant regional consortium, and any institution of higher education, laboratory, or institute (if the institution, laboratory, or institute is located within a State, as defined in section 1122(14) of this title), may apply for and receive financial assistance under this section. The Under Secretary shall prescribe rules and regulations, in consultation with the Secretary of State, to carry out this section. Before approving an application for a grant or contract under this section, the Under Secretary shall consult with the Secretary of State. A grant made, or contract entered into, under this section is subject to section 1124(d)(2) and (4) of this title and to any other requirements that the Under Secretary considers necessary and appropriate.

(Pub. L. 94-461, §3, Oct. 8, 1976, 90 Stat. 1969; Pub. L. 95-58, §2, June 29, 1977, 91 Stat. 254; Pub. L. 95-428, §4(2), (3), Oct. 7, 1978, 92 Stat. 1000; Pub. L. 96-289, §§2, 3, June 28, 1980, 94 Stat. 605; Pub. L. 98-623, title V, §501(b), Nov. 8, 1984, 98 Stat. 3410; Pub. L. 100-220, title III, §3111, Dec. 29, 1987, 101 Stat. 1474; Pub. L. 102-251, title III, §307(b), Mar. 9, 1992, 106 Stat. 66.)

AMENDMENT OF SUBSECTION (a)(6)

Pub. L. 102-251, title III, §§307(b), 308, Mar. 9, 1992, 106 Stat. 66, provided that, effective on the date on which the Agreement between the United States and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, enters into force for the United States, with authority to prescribe implementing regulations effective Mar. 9, 1992, but with no such regulation to be effective until the date on which the Agreement enters into force for the United States, subsection (a)(6) is amended by inserting “and special areas” after “exclusive economic zone”.

CODIFICATION

Section was enacted as part of the Sea Grant Program Improvement Act of 1976, and not as part of the National Sea Grant Program Act which comprises this subchapter.

AMENDMENTS

1987—Pub. L. 100-220 amended section generally, revising and restating provisions of subsecs. (a) and (b) and striking out subsec. (c) which related to authorization of appropriations.

1984—Subsec. (c)(4). Pub. L. 98-623 added par. (4).

1980—Pub. L. 96-289, §3, substituted “Sea grant international program” for “International cooperation assistance” in section catchline.

Subsec. (c)(3). Pub. L. 96-289, §2, added par. (3).

1978—Subsec. (a)(2). Pub. L. 95-428, §4(2), substituted “exchange among the United States and foreign nations (including, but not limited to, developing foreign nations)” for “international exchange”.

Subsec. (c). Pub. L. 95-428, §4(3), substituted appropriations authorization of \$3,000,000 for fiscal years

1977, through 1979, for prior \$3,000,000 authorization for fiscal years ending Sept. 30, 1977 and 1978, and authorized appropriation of \$5,000,000 for fiscal year 1980.

1977—Subsec. (c). Pub. L. 95-58 substituted “each of the fiscal years ending September 30, 1977, and September 30, 1978” for “the fiscal year ending September 30, 1977”.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-251 effective on date on which Agreement between the United States and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, enters into force for United States, with authority to prescribe implementing regulations effective Mar. 9, 1992, but with no such regulation to be effective until date on which Agreement enters into force for United States, see section 308 of Pub. L. 102-251, set out as a note under section 773 of Title 16, Conservation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1128, 1131 of this title.

§ 1125. Repealed. Pub. L. 102-186, § 4(a), Dec. 4, 1991, 105 Stat. 1283

Section, Pub. L. 89-454, title II, § 206, as added Pub. L. 94-461, § 2, Oct. 8, 1976, 90 Stat. 1965; amended Pub. L. 95-58, § 1, June 29, 1977, 91 Stat. 254; Pub. L. 95-428, § 3(3), Oct. 7, 1978, 92 Stat. 999; Pub. L. 96-289, § 1(4), June 28, 1980, 94 Stat. 605; Pub. L. 100-220, title III, § 3106(a), Dec. 29, 1987, 101 Stat. 1471, required development of a sea grant strategic research plan and authorized grants and contracts to carry out the program.

§ 1126. Designation of sea grant colleges and sea grant regional consortia

(a) Authorization; prerequisites

(1) The Secretary may designate—

(A) any institution of higher education as a sea grant college; and

(B) any association or other alliance of two or more persons (other than individuals) as a sea grant regional consortium.

(2) No institution of higher education may be designated as a sea grant college unless the Secretary finds that such institution—

(A) is maintaining a balanced program of research, education, training, and advisory services in fields related to ocean, coastal, and Great Lakes resources and has received financial assistance under section 1124 of this title or under section 204(c) of the National Sea Grant College and Program Act of 1966;

(B) will act in accordance with such guidelines as are prescribed under subsection (b)(2) of this section; and

(C) meets such other qualifications as the Secretary deems necessary or appropriate.

The designation of any institution as a sea grant college under the authority of such Act of 1966 shall, if such designation is in effect on the day before October 8, 1976, be considered to be a designation made under paragraph (1) so long as such institution complies with subparagraphs (B) and (C).

(3) No association or other alliance of two or more persons may be designated as a sea grant regional consortium unless the Secretary finds that such association or alliance—

(A) is established for the purpose of sharing expertise, research, educational facilities, or

training facilities, and other capabilities in order to facilitate research, education, training, and advisory services, in any field related to ocean, coastal, and Great Lakes resources;

(B) will encourage and follow a regional approach to solving problems or meeting needs relating to ocean, coastal, and Great Lakes resources, in cooperation with appropriate sea grant colleges, sea grant programs, and other persons in the region;

(C) will act in accordance with such guidelines as are prescribed under subsection (b)(2) of this section; and

(D) meets such other qualifications as the Secretary deems necessary or appropriate.

(b) Regulations

The Secretary shall by regulation prescribe—

(1) the qualifications required to be met under paragraphs (2)(C) and (3)(D) of subsection (a) of this section; and

(2) guidelines relating to the activities and responsibilities of sea grant colleges and sea grant regional consortia.

(c) Suspension or termination; procedures applicable

The Secretary may, for cause and after an opportunity for hearing, suspend or terminate any designation under subsection (a) of this section.

(Pub. L. 89-454, title II, § 207, as added Pub. L. 94-461, § 2, Oct. 8, 1976, 90 Stat. 1966; amended Pub. L. 100-220, title III, § 3104(b)(1)(E), Dec. 29, 1987, 101 Stat. 1470.)

REFERENCES IN TEXT

The National Sea Grant College and Program Act of 1966, referred to in subsec. (a), was the name of title II of Pub. L. 89-454, as added by Pub. L. 89-688, § 1, Oct. 15, 1966, 80 Stat. 998, prior to the 1976 amendment thereof by Pub. L. 94-461. Section 204(c) of the National Sea Grant College and Program Act of 1966, referred to in subsec. (a)(2)(A), therefore means section 1123(c) of this title prior to the amendment thereof by Pub. L. 94-461.

AMENDMENTS

1987—Subsec. (a)(2)(A), (3)(A), (B). Pub. L. 100-220 substituted “ocean, coastal, and Great Lakes resources” for “ocean and coastal resources”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1122 of this title.

§ 1127. Fellowships

(a) In general

To carry out the educational and training objectives of this subchapter, the Under Secretary shall support a program of fellowships for qualified individuals at the graduate and post-graduate level. The fellowships shall be related to ocean, coastal, and Great Lakes resources and awarded pursuant to guidelines established by the Under Secretary.

(b) Dean John A. Knauss Marine Policy Fellowship

The Under Secretary may award marine policy fellowships to support the placement of individuals at the graduate level of education in fields related to ocean, coastal and Great Lakes resources in positions with the executive and legislative branches of the United States Govern-

ment. A fellowship awarded under this subsection shall be for a period of not more than 1 year.

(c) Postdoctoral fellowships

The Under Secretary shall establish and administer a program of postdoctoral fellowships to accelerate research in critical subject areas. The fellowship awards—

- (1) shall be for 2 years;
- (2) may be renewed once for not more than 2 years;
- (3) shall be awarded on a nationally competitive basis;
- (4) may be used at any institution of post-secondary education involved in the national sea grant college program;
- (5) shall be for up to 100 percent of the total cost of the fellowship; and
- (6) may be made to recipients of terminal professional degrees, as well as doctoral degree recipients.

(Pub. L. 89-454, title II, §208, as added Pub. L. 94-461, §2, Oct. 8, 1976, 90 Stat. 1966; amended Pub. L. 100-66, §3, July 10, 1987, 101 Stat. 384; Pub. L. 100-220, title III, §3107, Dec. 29, 1987, 101 Stat. 1472; Pub. L. 102-186, §4(b)(1)(C), (D), Dec. 4, 1991, 105 Stat. 1283.)

REFERENCES IN TEXT

This subchapter, referred to in subsec. (a), was in the original “this Act” and was translated as reading “this title” meaning title II of Pub. L. 89-454, which enacted this subchapter, to reflect the probable intent of Congress.

AMENDMENTS

1991—Subsec. (c)(5) to (7). Pub. L. 102-186 inserted “and” after semicolon at end of par. (5), redesignated par. (7) as (6), and struck out former par. (6) which read as follows: “may be made for any of the priority areas of research identified in the sea grant strategic research plan in effect under section 1125 of this title; and”.

1987—Subsec. (a). Pub. L. 100-220 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “The Secretary shall support a sea grant fellowship program to provide educational and training assistance to qualified individuals at the undergraduate and graduate levels of education in fields related to ocean and coastal resources. Such fellowships shall be awarded pursuant to guidelines established by the Secretary. Except as provided in subsection (b) of this section, sea grant fellowships may only be awarded by sea grant colleges, sea grant regional consortia, institutions of higher education, and professional associations and institutes.”

Pub. L. 100-66, §3(1), substituted “Except as provided in subsection (b) of this section, sea” for “Sea”.

Subsec. (b). Pub. L. 100-220 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows:

“(1) As part of the sea grant fellowship program, the Secretary may award sea grant fellowships to support the placement of qualified individuals in positions with the executive and legislative branches of the United States Government. No fellowship may be awarded under this paragraph for a period exceeding one year.

“(2) For purposes of this subsection, the term ‘qualified individual’ means an individual at the graduate level of education in fields related to ocean and coastal resources.”

Pub. L. 100-66, §3(2), (3), added subsec. (b) and redesignated former subsec. (b) as (c).

Subsec. (c). Pub. L. 100-220 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “The total amount which may be provided for grants

under the sea grant fellowship program during any fiscal year shall not exceed an amount equal to 5 percent of the total funds appropriated for such year pursuant to section 1131 of this title.”

Pub. L. 100-66, §3(2), redesignated former subsec. (b) as (c).

EFFECTIVE DATE OF 1987 AMENDMENT

Section 4 of Pub. L. 100-66 provided that: “The amendment made by section 3 [amending this section] shall take effect January 1, 1978.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1131 of this title.

§ 1128. Sea grant review panel

(a) Establishment; commencement date

There shall be established an independent committee to be known as the sea grant review panel. The panel shall, on the 60th day after October 8, 1976, supersede the sea grant advisory panel in existence before October 8, 1976.

(b) Duties

The Panel¹ shall advise the Secretary, the Under Secretary, and the Director concerning—

- (1) applications or proposals for, and performance under, grants and contracts awarded under section 1124 of this title and section 1124a of this title;
- (2) the sea grant fellowship program;
- (3) the designation and operation of sea grant colleges and sea grant regional consortia, and the operation of sea grant programs;
- (4) the formulation and application of the planning guidelines and priorities under section 1123(a) and (c)(1) of this title; and
- (5) such other matters as the Secretary refers to the panel for review and advice.

The Secretary shall make available to the panel such information, personnel, and administrative services and assistance as it may reasonably require to carry out its duties.

(c) Membership, terms, and powers

(1) The panel shall consist of 15 voting members who shall be appointed by the Secretary. The Director and a director of a sea grant program who is elected by the various directors of sea grant programs shall serve as nonvoting members of the panel. Not less than 8 of the voting members of the panel shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in, or representative of, education, marine affairs and resource management, extension services, State government, industry, economics, planning, or any other activity which is appropriate to, and important for, any effort to enhance the understanding, assessment, development, utilization, or conservation of ocean, coastal, and Great Lakes resources. No individual is eligible to be a voting member of the panel if the individual is (A) the director of a sea grant college, sea grant regional consortium, or sea grant program; (B) an applicant for, or beneficiary (as determined

¹ So in original. Probably should not be capitalized.

by the Secretary) of, any grant or contract under section 1124 of this title; or (C) a full-time officer or employee of the United States.

(2) The term of office of a voting member of the panel shall be 3 years, except that of the original appointees, five shall be appointed for a term of 1 year, five shall be appointed for a term of 2 years, and five shall be appointed for a term of 3 years. At least once each year, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the panel.

(3) Any individual appointed to a partial or full term may be reappointed for one additional full term. A voting member may serve after the date of the expiration of the term of office for which appointed until his or her successor has taken office.

(4) The panel shall select one voting member to serve as the Chairman and another voting member to serve as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of the Chairman.

(5) Voting members of the panel shall—

(A) receive compensation at the daily rate for GS-18 of the General Schedule under section 5332 of title 5 when actually engaged in the performance of duties for such panel; and

(B) be reimbursed for actual and reasonable expenses incurred in the performance of such duties.

(6) The panel shall meet on a biannual basis and, at any other time, at the call of the Chairman or upon the request of a majority of the voting members or of the Director.

(7) The panel may exercise such powers as are reasonably necessary in order to carry out its duties under subsection (b) of this section.

(Pub. L. 89-454, title II, § 209, as added Pub. L. 94-461, § 2, Oct. 8, 1976, 90 Stat. 1967; amended Pub. L. 96-289, § 1(5), June 28, 1980, 94 Stat. 605; Pub. L. 100-220, title III, §§ 3104(b)(1)(F), 3108, Dec. 29, 1987, 101 Stat. 1471, 1473; Pub. L. 102-186, § 4(b)(1)(E), (F), 5(b)(2), Dec. 4, 1991, 105 Stat. 1283, 1284.)

AMENDMENTS

1991—Subsec. (b)(1). Pub. L. 102-186, § 4(b)(1)(E), substituted “section 1124” for “sections 1124 and 1125”.

Subsec. (c)(1). Pub. L. 102-186, §§ 4(b)(1)(F), 5(b)(2), inserted “marine affairs and resource management,” after “education,” in fourth sentence and struck out “or 1125” after “1124” in last sentence.

1987—Subsec. (b). Pub. L. 100-220, § 3108(1), in introductory provisions, substituted “The Panel shall advise the Secretary, the Under Secretary, and the Director concerning—” for “The panel shall take such steps as may be necessary to review, and shall advise the Secretary, the Administrator, and the Director with respect to—”, and in par. (1), inserted “and section 1124a of this title”.

Subsec. (c)(1). Pub. L. 100-220, §§ 3104(b)(1)(F), 3108(2)(A), (B), amended second sentence generally, substituted “8” for “five” in third sentence, and substituted “ocean, coastal, and Great Lakes resources” for “ocean and coastal resources” in fourth sentence. Prior to amendment, second sentence read as follows: “The Director shall serve as a nonvoting member of the panel.”

Subsec. (c)(2). Pub. L. 100-220, § 3108(2)(C), inserted at end “At least once each year, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the panel.”

Subsec. (c)(3). Pub. L. 100-220, § 3108(2)(D), struck out “, or until 90 days after such date, whichever is earlier” after “office” at end of second sentence.

1980—Subsec. (c)(3). Pub. L. 96-289 substituted authorization for reappointment for one additional full term of an appointee to a partial or full term for prior authorization for filling vacancies for remainder of appointee's term and prohibition against status as a voting member after service of one full term as such voting member.

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1122, 1131 of this title.

§ 1129. Interagency cooperation

Each department, agency, or other instrumentality of the Federal Government which is engaged in or concerned with, or which has authority over, matters relating to ocean, coastal, and Great Lakes resources—

(1) may, upon a written request from the Secretary, make available, on a reimbursable basis or otherwise any personnel (with their consent and without prejudice to their position and rating), service, or facility which the Secretary deems necessary to carry out any provision of this subchapter;

(2) shall, upon a written request from the Secretary, furnish any available data or other information which the Secretary deems necessary to carry out any provision of this subchapter; and

(3) shall cooperate with the Administration and duly authorized officials thereof.

(Pub. L. 89-454, title II, § 210, as added Pub. L. 94-461, § 2, Oct. 8, 1976, 90 Stat. 1968; amended Pub. L. 100-220, title III, § 3104(b)(1)(G), Dec. 29, 1987, 101 Stat. 1471.)

AMENDMENTS

1987—Pub. L. 100-220 substituted “ocean, coastal, and Great Lakes resources” for “ocean and coastal resources” in introductory provisions.

§ 1130. Repealed. Pub. L. 102-186, § 5(a), Dec. 4, 1991, 105 Stat. 1283

Section, Pub. L. 89-454, title II, § 211, as added Pub. L. 94-461, § 2, Oct. 8, 1976, 90 Stat. 1968; amended Pub. L. 95-428, §§ 2(b), 3(4), Oct. 7, 1978, 92 Stat. 999; Pub. L. 100-220, title III, § 3109, Dec. 29, 1987, 101 Stat. 1473, authorized grants for graduate programs in marine affairs and resource management during fiscal years 1988 through 1990.

§ 1131. Authorization of appropriations

(a) Grants and contracts; fellowships; international program

There is authorized to be appropriated to carry out the provisions of sections 1124 and 1127 of this title, and section 1124a of this title, an amount—

(1) for fiscal year 1991, not to exceed \$44,398,000;
 (2) for fiscal year 1992, not to exceed \$46,014,000;
 (3) for fiscal year 1993, not to exceed \$47,695,000;
 (4) for fiscal year 1994, not to exceed \$49,443,000; and
 (5) for fiscal year 1995, not to exceed \$51,261,000.

(b) Administration

(1) There is authorized to be appropriated for administration of this subchapter, including section 1128 of this title, by the National Sea Grant Office and the Administration, an amount—

(A) for fiscal year 1991, not to exceed \$2,500,000;
 (B) for fiscal year 1992, not to exceed \$2,600,000;
 (C) for fiscal year 1993, not to exceed \$2,700,000;
 (D) for fiscal year 1994, not to exceed \$2,800,000; and
 (E) for fiscal year 1995, not to exceed \$2,900,000.

(2) Sums appropriated under the authority of subsections (a) and (c) of this section shall not be available for administration of this subchapter by the National Sea Grant Office, or for Administration program or administrative expenses.

(c) Priority oyster disease research

In addition to sums authorized under subsection (a) of this section, there is authorized to be appropriated for priority oyster disease research under section 1124 of this title, an amount—

(1) for fiscal year 1992, not to exceed \$1,400,000;
 (2) for fiscal year 1993, not to exceed \$3,000,000;
 (3) for fiscal year 1994, not to exceed \$3,000,000; and
 (4) for fiscal year 1995, not to exceed \$3,000,000.

(d) Availability of sums

Sums appropriated pursuant to this section shall remain available until expended.

(e) Reversion of unobligated amounts

The amount of any grant, or portion of a grant, made to a person under any section of this subchapter that is not obligated by that person during the first fiscal year for which it was authorized to be obligated or during the next fiscal year thereafter shall revert to the Secretary. The Secretary shall add that reverted amount to the funds available for grants under the section for which the reverted amount was originally made available.

(Pub. L. 89-454, title II, §212, as added Pub. L. 94-461, §2, Oct. 8, 1976, 90 Stat. 1968; amended Pub. L. 95-58, §1, June 29, 1977, 91 Stat. 254; Pub. L. 95-428, §3(5), Oct. 7, 1978, 92 Stat. 1000; Pub. L. 96-289, §1(6), June 28, 1980, 94 Stat. 605; Pub. L. 98-623, title V, §501(a), Nov. 8, 1984, 98 Stat. 3410; Pub. L. 100-220, title III, §3110, Dec. 29, 1987, 101 Stat. 1474; Pub. L. 102-186, §3, Dec. 4, 1991, 105 Stat. 1282.)

REFERENCES IN TEXT

This subchapter, referred to in subssecs. (b) and (e), was in the original “this Act” and was translated as reading “this title” meaning title II of Pub. L. 89-454, which enacted this subchapter, to reflect the probable intent of Congress.

AMENDMENTS

1991—Subsecs. (a) to (c), Pub. L. 102-186 amended subssecs. (a) to (c) generally. Prior to amendment, subssecs. (a) to (c) read as follows:

“(a) There is authorized to be appropriated to carry out the provisions of this subchapter other than sections 1125 and 1130 of this title, an amount—

“(1) for fiscal year 1988, not to exceed \$41,500,000;

“(2) for fiscal year 1989, not to exceed \$50,500,000; and

“(3) for fiscal year 1990, not to exceed \$51,000,000.

“(b) There is authorized to be appropriated to carry out section 1125 of this title and section 1127(c) of this title, an amount—

“(1) for fiscal year 1988, not to exceed \$500,000;

“(2) for fiscal year 1989, not to exceed \$5,000,000; and

“(3) for fiscal year 1990, not to exceed \$10,000,000.

“(c) There is authorized to be appropriated to carry out section 1130 of this title, an amount—

“(1) for fiscal year 1988, not to exceed \$2,000,000;

“(2) for fiscal year 1989, not to exceed \$2,500,000; and

“(3) for fiscal year 1990, not to exceed \$3,000,000.”

1987—Pub. L. 100-220 amended section generally, substituting provisions of subssecs. (a) to (e) relating to appropriations authorizations for fiscal years 1988, 1989, and 1990, for provisions formerly contained in a single unlettered paragraph relating to appropriations authorizations for fiscal years 1978 to 1983 and 1985 to 1987.

1984—Par. (4), Pub. L. 98-623 added par. (4).

1980—Par. (3), Pub. L. 96-289 added par. (3).

1978—Pub. L. 95-428 substituted appropriations authorization of \$50,000,000 for fiscal years 1977, and 1978, for prior \$50,000,000 authorization for fiscal years ending Sept. 30, 1977, and 1978, and authorized appropriation of \$55,000,000 for fiscal years 1979 and 1980.

1977—Pub. L. 95-58 substituted “each of the fiscal years ending September 30, 1977, and September 30, 1978” for “the fiscal year ending September 30, 1977”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1124 of this title.

CHAPTER 23—POLLUTION CONTROL OF NAVIGABLE WATERS

§§ 1151 to 1165. Omitted

CODIFICATION

Sections 1151 to 1165 of this title were omitted as superseded by Pub. L. 92-500, §2, Oct. 18, 1972, 88 Stat. 816. See section 1251 et seq. of this title.

Section 1151, acts June 30, 1948, ch. 758, §1, 62 Stat. 1155; July 9, 1956, ch. 518, §1, 70 Stat. 498; July 20, 1961, Pub. L. 87-88, §1(a), 75 Stat. 204; Oct. 2, 1965, Pub. L. 89-234, §1(a), 79 Stat. 903; 1966 Reorg. Plan No. 2, §§1(a), (e)(1), 5, eff. May 10, 1966, 31 F.R. 6857, 80 Stat. 1608; 1970 Reorg. Plan No. 3, §2(a)(1), eff. Dec. 2, 1970, 35 F.R. 15623, 84 Stat. 2087, related to Congressional declaration of policy in controlling water pollution.

Section 1152, act June 30, 1948, ch. 758, §2, as added Oct. 2, 1965, Pub. L. 89-234, §2(a), 79 Stat. 903; amended 1966 Reorg. Plan No. 2, §1(a), (b), eff. May 10, 1966, 31 F.R. 6857, 80 Stat. 1608; Apr. 3, 1970, Pub. L. 91-224, title I, §110(a), 84 Stat. 113, created within the Department of the Interior a Federal Water Quality Administration. Reorg. Plan No. 3 of 1970, §§1, 2(a)(1), 6(a)(1), eff. Dec. 2, 1970, 35 F.R. 15623, 84 Stat. 2086, 2089, created Environmental Protection Agency, abolished Federal Water Quality Administration in Department of the Interior, and transferred to Administrator of Environmental Protection Agency all functions vested by